

REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed November 23, 2007. In the Office Action, the Examiner notes that claims 1-22 are pending and rejected. By this response, Applicants have amended claims 1, 3, 5-7, 10, 12, 14-16 and 20. No new matter has been added.

In view of both the amendments presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in allowable form.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response including amendments.

Amendments to the Claims

By this response, Applicants have amended claims 1, 3, 5-7, 10, 12, 14-16 and 20. The amendments to the claims are fully supported by the Application as originally filed. Specifically, independent claim 1 has been amended by incorporating features from claim 2, and independent claim 10 has been amended by incorporating features from claim 11. Claims 3, 5-7, 12 and 14-16 have been amended to provide for proper dependencies, and claim 20 has been amended to correct a typographical mistake. Claims 2 and 11 have been canceled.

Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments.

35 U.S.C. §103 Rejection of Claims 1-22

The Examiner has rejected claims 1-22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,600,573 to Hendricks (hereinafter "Hendricks") in view of U.S. Patent 6,088,732 to Smith et al. (hereinafter "Smith"). Applicants respectfully traverse the rejection.

Claims 2 and 11 have been canceled and their rejections are therefore moot.

Claim 1 has been amended to further recite, in part:

"wherein the method further includes processing auxiliary services that comprises:
analyzing auxiliary services processing requests in the coding and formatting request,
configuring one or more auxiliary services processes to generate requested auxiliary services, and
outputting the requested auxiliary services, wherein the outputted auxiliary services are combined with the coded target output content."

Applicants submit that the amended claim 1 is not obvious over the combination of Hendricks and Smith because the combined teaching of these references fails to teach or suggest all the claim elements.

Specifically, Hendricks and Smith fails to teach or suggest at least the features of "receiving a coding and formatting request in one of at least two different formats from a user" and "analyzing auxiliary services processing requests in the coding and formatting request," as provided in the amended claim 1.

In rejecting Applicant's claim 1, the Examiner cited Smith's col. 5, line 41 - col. 6, line 61 for teaching profiles that are sent upstream along with a request for content, and that the profiles specify the content coding and formatting desired by a user. Thus, the Examiner interpreted Smith as teaching the features of transmitting from users, content coding and formatting requests specifying desired content coding and formats.

Applicants respectfully disagree. Specifically, Smith only teaches that the network profile defines the data format for transference of the data over the network (col. 6, lines 41-43), and the user's profile as comprising a set of requirements entered by the user to define the requirements desired by the user, and that "the user may define a minimum video format" (col. 6, lines 50-51).

Thus, there is no teaching in Smith that the user also defines or requests any specific coding requirement, which is different from formatting.

Nonetheless, claim 1 has been amended to incorporate features from claim 2 solely to expedite the allowance of the present application.

The Examiner cited Hendricks' col. 10, lines 39-67, col. 13, lines 42-65 and col. 17, lines 49-67 for allegedly teaching the various features in Applicants' claim 2.

Applicants disagree. Specifically, in Applicants' claim 1, the auxiliary service requests are provided in the coding and formatting request from a user. This is not taught or suggested in the combined teaching of Hendricks and Smith.

For example, Hendricks teaches an ad insertion component (which is a part of a computer-assisted packaging (CAP) system in an operations center) that determines what advertisements will be inserted into the program lineup (col. 10, lines 52-55; Fig. 2). A CAP interaction module receives from the CAP system scheduling information including any ad insertions (col. 13, lines 48-51). Hendricks also teaches that an advertisement insertion routine receives data from the system controller on advertisements that are available to be inserted and their storage location, as well as other information relating to the advertisements (col. 17, lines 49-67).

However, there is no teaching in these sections of Hendricks that the auxiliary service requests are in the coding and formatting request from the user.

In addition, there is no teaching in Smith that the user's profile defines or requests any auxiliary services in the coding and formatting request.

As such, the combined teaching of Hendricks and Smith does not teach each and every element in Applicants' amended claim 1.

Thus, independent claim 1 is patentable over Hendricks in view of Smith under 35 U.S.C. 103(a). Independent claim 10 recites relevant limitations similar to those recited in independent claim 1. Accordingly, for at least the same reasons discussed above, independent claim 10 also is patentable over Hendricks in view of Smith under 35 U.S.C. §103.

Furthermore, claims 3-9 and 12-22 depend directly or indirectly from independent claims 1 and 10, while adding additional elements. Therefore, these dependent claims also are patentable over Hendricks in view of Smith under 35 U.S.C. §103 for at least the same reasons discussed above in connection with independent claims 1 and 10.

Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

CONCLUSION

Thus, Applicants submit that none of the claims, presently in the application, are anticipated or obvious under the respective provisions of 35 U.S.C. §102 and 103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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